

2013 DRAFTING REQUEST

Bill

Received:	8/7/2013	Received By:	phurley
Wanted:	As time permits	Same as LRB:	
For:	Stephen Nass (608) 266-5715	By/Representing:	
May Contact:		Drafter:	phurley
Subject:	Criminal Law - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Nass@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating voluntary intoxication as a defense to certain crimes

Instructions:

redraft 07 AB 330

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 8/7/2013	scalvin 8/16/2013	phenry 8/19/2013	_____			
/1				_____	sbasford 8/19/2013	lparisi 9/11/2013	State S&L

FE Sent For:

<END>

→ At
Intro.

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1/?	phurley	11 sac 08/16/2013	8/19 ph				

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-07/64
PJH:wlrs
Hays sac
2873/1
mmr

2007 ASSEMBLY BILL 330

8-7-13

May 15, 2007 - Introduced by Representatives LOTHIAN, NASS, J. OTT, LEMAHIEU, JESKEWITZ, TOWNSEND, HAHN and NYGREN, cosponsored by Senators KEDZIE, LASSA, ROESSLER and DARLING. Referred to Committee on Judiciary and Ethics.

AN ACT *to repeal* 939.24 (3); and *to amend* 939.42 (intro.), 939.42 (1) and 939.42 (2) of the statutes; **relating to:** voluntary intoxication as a defense to criminal liability.

Analysis by the Legislative Reference Bureau

Under current law, if a person is intoxicated or drugged when he or she is alleged to have committed a crime, the intoxication or drugged condition is a defense to criminal liability if: 1) the person was involuntarily intoxicated or drugged at the time of the alleged offense and the person's condition rendered him or her incapable of distinguishing between right and wrong; or 2) the person's condition, whether voluntarily or involuntarily produced, made it impossible for him or her to have had the intent necessary to commit the crime. Voluntary intoxication, however, is generally not a defense in the second situation if the offense charged is based on the person's criminal recklessness. This bill eliminates the defense of voluntary intoxication.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.24 (3) of the statutes is repealed.

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SECTION 2. 939.42 (intro.) of the statutes is amended to read:

939.42 Intoxication. (intro.) An intoxicated or a drugged condition of the

actor is a defense only if such condition is involuntarily produced and does one of the

following:

✓

SECTION 3. 939.42 (1) of the statutes is amended to read:

939.42 (1) ~~Is involuntarily produced and renders~~ Renders the actor incapable

of distinguishing between right and wrong in regard to the alleged criminal act at

the time the act is committed;~~or,~~

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SECTION 4. 939.42 (2) of the statutes is amended to read:

939.42 (2) Negatives the existence of a state of mind essential to the crime;

~~except as provided in s. 939.24 (3).~~

(END)

Parisi, Lori

From: Mikalsen, Mike
Sent: Wednesday, September 11, 2013 9:54 AM
To: LRB.Legal
Subject: Draft Review: LRB -2873/1 Topic: Eliminating voluntary intoxication as a defense to certain crimes

Please Jacket LRB -2873/1 for the ASSEMBLY.